

THE REVISED SCHOOL CODE (EXCERPT)
Act 451 of 1976

PART 29

SPECIAL EDUCATION PROGRAMS AND SERVICES; STATE BOARD

380.1701 Duties of superintendent of public instruction.

Sec. 1701. The superintendent of public instruction shall do all of the following:

(a) Require each intermediate school board to submit a plan pursuant to section 1711, in accordance with special education rules, to be approved by the superintendent of public instruction.

(b) Promulgate rules setting forth the requirements of the plans and procedures for submitting them.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008.

Popular name: Act 451

Administrative rules: R 340.1701 et seq. and R 380.51 et seq. of the Michigan Administrative Code.

380.1701a Special education programs and services; public school academy as local school district.

Sec. 1701a. For the purposes of ensuring that a student with a disability enrolled in a public school academy is provided with special education programs and services, the public school academy is considered to be a local school district under this article.

History: Add. 1993, Act 284, Eff. Apr. 1, 1994;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008;—Am. 2009, Act 205, Imd. Eff. Jan. 4, 2010.

Popular name: Act 451

380.1702 Special education programs and services; application for approval of noncomplying programs and services; notice of noncompliance; proof of compliance or emergency; directing provision of complying programs or services; funding; contributing; unreimbursed cost.

Sec. 1702. (1) If a local school district board claims the existence of an emergency due to extreme financial conditions because of insufficient operating funds or due to a severe classroom shortage, which emergency the local school district claims renders it unable to provide special education programs and services in compliance with section 1751, the local school district board shall apply in writing to the state board before July 1 of the particular school year for approval to provide special education programs or services which do not comply with section 1751. The state board may extend the filing date for good cause.

(2) In its application the local school district board shall demonstrate the need to provide noncomplying special education programs and services and shall include the proposed programs and services it is able to provide and the efforts to be undertaken to alleviate the emergency. If the state board finds an emergency exists in the local school district for the school year, the state board may approve the providing of noncomplying special education programs or services and prescribe conditions for those programs and services.

(3) If the state board determines that a local school district is not providing special education programs and services in compliance with section 1751, and the local school district has not obtained prior approval from the state board, the state board shall give the local school district board written notice of the noncompliance. Unless the local school district board submits proof of compliance or of an unforeseen emergency within 30 days after receipt of the notice, the state board shall direct the intermediate school board of which the local school district is constituent to provide complying programs or services. The state board shall direct the intermediate school board to provide only those programs or services which the state board determines the local school district is not providing in compliance with section 1751.

(4) Special education programs or services which the state board directs an intermediate school district to provide shall be funded as if provided by the local school district and the local school district board shall contribute to the intermediate school district the unreimbursed cost of the programs or services.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1703 Qualifications and requirements for special education personnel; rules relative to special education programs and services; review.

Sec. 1703. (1) Special education personnel shall meet the qualifications and requirements of rules promulgated by the state board.

(2) Curriculum, eligibility of specific persons for special education programs and services and for each particular program or service, review procedures regarding the placement of persons in the programs or services, size of classes, size of programs, quantity and quality of equipment, supplies and housing, adequacy of methods of instruction, and length and content of school day shall be in accordance with rules promulgated by the state board relative to special education programs and services.

(3) Not later than September 30, 1996, the state board shall conduct a review of all rules promulgated by the state board or department pertaining to special education. The review shall consider at least all of the following:

(a) The need to eliminate unnecessary separation and duplication between regular education and special education facilities, staff, programs, services, and pupils.

(b) Potential benefits from coordination between all relevant federal, state, regional, and local organization services, including public and private organization services, for pupils with special needs, and encouragement of the provision of comprehensive necessary services delivered by the most appropriate organization or person in the most cost-effective and programmatically effective manner.

(c) The advisability of simplification of rules or regulations and processes relating to identification of need and provision of services to special needs pupils, avoidance of barriers and cost and other penalties or discouragements to effective programming, and avoidance of requirements as to staff or program criteria that are not research based; allowing and encouraging reasonably flexible, workable, and, if appropriate, cooperatively operated comprehensive services, including reasonable endorsement or other qualification categories for personnel, to be delivered to pupils with related or similar special needs, as may be consistent with research.

(d) A goal of providing educational and training services in a manner that maximizes for the benefit of the pupil the combination of the provisions of this act and federal law relating to inclusion, while avoiding, to the degree reasonably possible, requiring by rule an overall increase in a program or service beyond that required before December 23, 1978.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

Administrative rules: R 340.1011 et seq.; R 340.1701 et seq.; and R 380.51 et seq. of the Michigan Administrative Code.

380.1704 Short title of section; standards for teachers of blind and visually impaired pupils; providing information advocating braille instruction; electronic file format versions of textbooks or braille versions; pupil with some remaining vision; instruction consistent with other pupils; definitions.

Sec. 1704. (1) This section shall be known and may be cited as the “blind pupil's Braille literacy law”.

(2) The department shall adopt Braille reading and writing standards for teachers of blind and visually impaired pupils and shall disseminate these standards to all school districts, intermediate school districts, and teacher preparation programs. These standards shall be included in the rules governing special education programs and services. In establishing these standards, the department shall consider the standards adopted by the national library service for the blind and physically handicapped of the United States library of congress.

(3) When a local or intermediate school district receives information from the department, or information that is approved by the department from a consumer organization that advocates for the blind, describing the benefits of instruction in Braille reading and writing, the local or intermediate school district shall provide this information to each person on the blind pupil's individualized educational planning committee.

(4) The department shall accept and respond to requests from local and intermediate school districts and shall work with textbook publishers to obtain electronic file format versions of textbooks or Braille versions of textbooks, or both. The department may also, on behalf of local and intermediate school districts, request and arrange for converting an electronic file format version of a textbook to a Braille version. The department shall process and make these requests in a timely manner.

(5) Upon request, a publisher of a textbook that is adopted for instructional use by a school district shall furnish the department with an electronic version of the textbook if the textbook is for a literary subject or, for a textbook for a nonliterary subject, if the technology is available to convert the textbook directly to a format compatible with Braille translation software. A publisher shall not charge a price for this electronic version that exceeds the price it charges for the print or electronic media version of the textbook.

(6) A local or intermediate school district or an individualized educational planning committee shall not deny a pupil the opportunity for instruction in Braille reading and writing solely because the pupil has some remaining vision.

(7) Instruction for blind pupils shall be consistent with the goals and standards established by this state for

all pupils.

(8) As used in this section:

(a) "Blind pupil" means a pupil who is determined to manifest 1 or more of the following:

(i) A visual acuity of 20/200 or less in the better eye after routine refractive correction.

(ii) A field of vision that is limited so that the widest diameter of the visual field subtends an angle not greater than 20 degrees.

(iii) A medically indicated expectation of visual deterioration that is expected to result in 1 or both of the conditions described in subparagraphs (i) and (ii).

(b) "Individualized education program" means that term as defined in section 614 of part B of title VI of the individuals with disabilities education act, Public Law 91-230, 20 U.S.C. 1414, or in R 340.1701A of the Michigan administrative code.

(c) "Individualized educational planning committee" means that term as defined in R 340.1701A of the Michigan administrative code or an individualized education program team as defined in section 614 of part B of title VI of the individuals with disabilities education act, Public Law 91-230, 20 U.S.C. 1414.

(d) "Textbook" includes a text published in electronic media that is used for instructional purposes.

History: Add. 2000, Act 129, Imd. Eff. May 30, 2000.

Popular name: Act 451